

**RECEIVED
CENTRAL FAX CENTER****JAN 21 2004****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No. : 10/058,325 Confirmation No.: 6149
Applicant : Young, *et al.*
Filed : 01/30/2002
TC/A.U. : 2835
Examiner : Datskovskiy, Michael

Docket : ARL 02-12
Customer No. : 21364 U.S. Army Research Laboratory

OFFICIAL**For: Modular Sensor Platform****COPY OF ELECTION WITH TRAVERSE**

U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop Non-Fee Amendment
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

**VIA FACSIMILE
(703) 872-9306**

Sir:

I have enclosed a copy of an Election with Traverse which I attempted to File on **01/20/2004** in response to the Office Action mailed **12/19/2003** having a period for response set to expire on **01/19/2004**; however, **01/19/2004** being a Federal Holiday the period for response was extended until **01/20/2004**.

Applicant's Attorney attempted to contact the Examiner listed on the case Examiner Gerald P. Tolin at telephone number (703) 308-3114 at approximately 4:30 PM on 20 January 2004. I was connected to a voice mailbox and left a message that I desired to talk with the Examiner about the Restriction Requirement. Since I did not hear from the Examiner, I prepared a Response which I attempted to datafax to the telephone number listed in the Office Action (703) 305-1341; however, that number rang repeatedly without connecting to a datafax machine (see attached "No Answer" datafax message).

I looked in the Official Gazette of the United States Patent and Trademark Office for 20 January 2004, Volume 1278, number 3,
<http://www.uspto.gov/web/patents/patog/week03/OG/TOC.htm>

and found the following link for Technology Centers:

<http://www.uspto.gov/web/patents/patog/week03/OG/TOC.htm#ref19>

and the following listing under the link for Technology Centers:

2830/ Power generation and
2840 distribution, music,
electrical components
and control circuits

306-3329
RF FAX 872-9317

08/18/02

I datafaxed my Response to the Restriction Requirement to the listed datafax number (703) 872-9317; however, I did not receive an "Auto-Reply Facsimile Transmission." This prompted me to call Examiner Tolin's number again to leave an additional message that I had filed a Response by datafax.

In addition, this morning 21 January 2004 I checked again to ensure that the datafax number listed on the Office Action (703) 305-1341 was still not connected to a datafax machine. I let the number ring repeatedly; however, it was not answered either mechanically or by an individual. At 9:35 AM this morning I left a third voice mail for Examiner Tolin and indicated that if I had not heard from him by noon I would call the individual listed as the Examiner's supervisor Leo Picard and/or the receptionist.

At 1:30 PM I called the receptionist at the number listed on the Office Action (703) 308-0956. She could not locate Examiner Tolin's telephone number on her computer; however, she verified Examiner Picard's number, and I immediately called him at (703) 308-0538. Examiner Picard told me that Examiner Tolin had retired and gave me the name and number for Supervisory Patent Examiner (SPE) Darren Schuberg at (703) 308-4815.

I called SPE Schuberg and he verified that Examiner Tolin had retired and indicated that he had assigned this case to Examiner Michael Datskovskiy at (703) 306-4535; however, the Examiner has not yet received the case. SPE Schuberg and I discussed the Restriction Requirement, and I explained my position that the vehicle was not affirmatively recited in the Claims in question. He indicated that the actual language of the Claims might make a difference in the Restriction Requirement. He further indicated that the Response that I Filed by datafax on 20 January 2004 did not show up on the PALM System; however, in any case it would be too soon for the Response to show up whether or not the datafax I sent on 20 January 2004 was received. He told me that the central datafax number for the Technology Center was (703) 872-9306. He suggested that if I datafaxed a copy of the Response that I Filed by datafax on 20 January 2004 to this number, I might not be held liable for a one month extension in the event that the Response Filed on 20 January 2004 had not been received on 20 January 2004 and entered into the file wrapper.

Applicant's Attorney believes that he has made a good faith effort to respond to the Office Action by complying with the instructions contained therein. My inability to comply was based upon USPTO actions beyond my control: the retirement of Examiner Tolin without a message on his answering machine to that effect and the fact that, apparently, there was no datafax machine connected to the telephone number listed in the Office Action.

I request that the Response that I datafaxed on 20 January 2004 be entered in the case if it has not already been so entered. The Commissioner is authorized to charge the

fee associated with a one month extension to Deposit Account 19-2201, the United States Army Materiel Command Deposit Account, or any other appropriate fee for this action if such a charge is required.

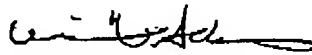
Applicant believes the attached Response which was initially sent by datafax on 20 January 2004 (as shown by the attached datafax delivery receipt) to telephone number (703) 872-9317, which was listed in the Official Gazette as a datafax number for Technology Centers 2830-2840, is complete and satisfies the Election/Restriction requirement of the Restriction Requirement.

The Examiner is invited to telephone the undersigned at the local telephone number given below if, after considering this Correspondence and the attached Response, the Examiner is of the opinion that the Response made by Applicant does not so satisfy the requirement. Please note the change in Applicant's Attorney's telephone number.

Respectfully submitted,

21 JANUARY 2004

DATE



William V. Adams
Attorney for Applicant
Reg. No. 32,552
(703) 806-8255

MESSAGE CONFIRMATION

JAN-20-2004 07:14 PM TUE

FAX NUMBER : 7038068873
NAME : AMC

NAME/NUMBER : 997038729317
PAGE : 2
START TIME : JAN-20-2004 07:13PM TUE
ELAPSED TIME : 00' 40"
MODE : STD ECM
RESULTS : [O.K]

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For Modular Sensor Platform

ELECTION WITH TRAVERSE

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VIA FACSIMILE
(703) 872-9317

Sir:

This is in response to the Office Action mailed 12/19/2003 having a period for response set to expire on 01/19/2004; however, 01/19/2004 being a Federal Holiday the period for response is extended until 01/20/2004.

The following Election is respectfully submitted with Traverse.

ELECTION:

In the event that Applicant's Traverse is not accepted, Applicant Elects Claims 1-14 and 22-30 drawn to a modular device used to house a plurality of sensors and apparatuses, classified in class 361, subclass 600.

TRAVERSE:

Applicant believes that the previous Examiner was correct in the previous Restriction mailed 07/30/2003 to which Applicant Responded on 08/29/2003. Applicant respectfully Traverses the present Restriction Requirement.

Applicant draws the Examiner's attention to the wording of Claim 15:

15. A system as recited in claim 14, wherein said platform is constructed so as to be positioned on a robotic vehicle so as to obtain and transmit data from a remote location.

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TRAVERSE:

Applicant believes that the previous Examiner was correct in the previous Restriction mailed 07/30/2003 to which Applicant Responded on 08/29/2003. Applicant respectfully Traverses the present Restriction Requirement.

Applicant draws the Examiner's attention to the wording of Claim 15:

15. A system as recited in claim 14, wherein said platform is constructed so as to be positioned on a robotic vehicle so as to obtain and transmit data from a remote location,

said platform further constructed so as to be dust, dirt and water resistant. (emphasis added)

The Examiner should note that the Claim does not affirmatively recite a robotic vehicle but indicated that the system recited in Claim 14 is to be constructed so as to be positioned on a robotic vehicle. The Claim is still drawn to a modular device used to house a plurality of sensors and apparatuses. The Examiner should further note that while the system is to be constructed so as to be positioned on a robotic vehicle there is no description of such a robotic vehicle requiring that the vehicle have a drive train and power supply. These requirements are found in Claim 16 justifying the previous Examiner's prior Restriction Requirement and Applicant's previous Election which Applicant desires to remain in effect upon the Examiner's acceptance of this Traverse. The system of Claim 15 cannot be properly classified in class 280, Land Vehicles, subclass 1: Miscellaneous.

Applicant further draws the Examiner's attention to the wording of Claims 31 and 32:

31. A system as recited in claim 30, wherein said platform is constructed so as to be positioned on a robotic vehicle so as to obtain and transmit data from a remote location, said platform further constructed so as to be dust, dirt and water resistant. (emphasis added)

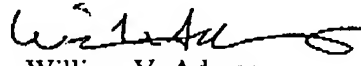
32. A system as recited in claim 31, wherein said back portion further comprises a back dock, said back dock constructed so as to provide access for robotic apparatus to board said vehicle. (emphasis added)

The Examiner should note that Claims 31 and 32 do not affirmatively recite a robotic vehicle but indicate in Claim 31 that the system recited in Claim 30 is to be constructed so as to be positioned on a robotic vehicle. Claim 31 further defines the "back portion" which relates through the chain of dependent Claims back to Claim 22 "and a back portion." Both Claims are still drawn to a system for attaching apparatus and sensor devices. The Examiner should further note that while the system is to be constructed so as to be positioned on a robotic vehicle there is no description of such a robotic vehicle requiring that the vehicle have a drive train and power supply. These requirements are found in Claim 33 justifying the previous Examiner's prior Restriction Requirement and Applicant's previous Election which Applicant desires to remain in effect upon the Examiner's acceptance of this Traverse. The systems of Claims 31 and 32 cannot be properly classified in class 280, Land Vehicles, subclass 1: Miscellaneous.

Applicant believes that this response is complete and satisfies the Election/Restriction requirement of this action; however, the Examiner is invited to telephone the undersigned at the local telephone number given below if, after considering this Response, the Examiner is of the opinion that the Response made by Applicant does not so satisfy the requirement. Please note the change in Applicant's Attorney's telephone number.

Respectfully submitted,

20 JANUARY 2004
DATE


William V. Adams
Attorney for Applicant
Reg. No. 32,552
(703) 806-8255

MESSAGE CONFIRMATION

JAN-20-2004 06:42 PM TUE

FAX NUMBER : 7038068873
NAME : AMC

NAME/NUMBER : 997033051341
PAGE : 0
START TIME : JAN-20-2004 06:41PM TUE
ELAPSED TIME : 00'00"
MODE : STB-G3
RESULTS : [NO ANSWER]

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(703) 305-1341

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Applicant draws the Examiner's attention to the wording of Claim 15:

15. A system as recited in claim 14, wherein said platform is constructed so as to be positioned on a robotic vehicle so as to obtain and transmit data from a remote location.